

GROUND WATER DISCHARGE PERMIT
Sandia National Laboratories/New Mexico
Discharge Permit-1845

Effective Date: DATE

I. INTRODUCTION

The New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) issues this Discharge Permit (DP-1845) for discharges via Class V underground injection control (UIC) wells to Sandia National Laboratories/New Mexico (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Sandia National Laboratories/New Mexico (facility) into ground and surface waters, so as to protect ground and surface waters for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics of the discharge are briefly described as follows.

Up to 20,000 gallons per day (gpd) of groundwater will be extracted from TAV-INJ1, TAV-INJ2, and TAV-INJ3, pursuant to regulatory activities being conducted under the New Mexico Hazardous Waste Act and a Consent Order overseen by the NMED Hazardous Waste Bureau. The groundwater is to be extracted from within a contaminant plume affected by 1,1,2-trichloroethylene (TCE) and nitrate, mixed with substrate solution components and biodegradation bacteria to facilitate bioremediation, and then gravity-fed into three underground injection control wells (TAV-INJ1, TAV-INJ2, and TAV-INJ3) within the contaminant plume. Daily injections will be followed with approximately 100 gallons of chase water consisting of potable water (without amendments) deoxygenated by sparging with argon gas to effectively push bioremediation reagents into the groundwater formation.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC and as allowed under 20.6.2.3109.D(1). Data collected from on-site monitoring wells document groundwater contamination attributed to one or more sources at this facility. Groundwater quality standards for TCE and nitrate have been exceeded according to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. This Discharge Permit contains requirements, actions, and/or contingencies intended to control the source(s) of documented groundwater contamination.

The facility is located in Albuquerque on Kirtland Air Force Base, approximately one mile southwest of the intersection of Pennsylvania Avenue and TA-III/V in Section 20, Township 9N, Range 4E, Bernalillo County. Groundwater most likely to be affected is at a depth of approximately 500 feet and has a total dissolved solids concentration of approximately 423 milligrams per liter.

The application (i.e., discharge plan) consists of the materials submitted by Sandia National Laboratories/New Mexico dated July 27, 2016 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state, and/or local laws, regulations, zoning requirements, and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
EPA	U.S. Environmental Protection Agency	TCE	Trichloroethene
gpd	gallons per day	TDS	total dissolved solids
mg/L	milligrams per liter	UIC	Underground Injection Control
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated		

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following:

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.
4. The permittee proposes to operate Class V UIC wells within the meaning of 20.6.2.5002A(1) and 20.6.2.5002B(5)(d)(i) NMAC which is subject to the prohibitions listed under 20.6.2.5004A(4) NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 20,000 gpd of groundwater being extracted pursuant to regulatory activities being conducted under the New Mexico Hazardous Waste Act and a Compliance Order on Consent overseen by the New Mexico Environment Department Hazardous Waste Bureau. The groundwater is to be extracted from within a contaminant plume affected by TCE and nitrate, and will be utilized to enhance biologically mediated degradation of the contaminant plume. These contaminants at their measured concentrations may be reinjected into the regional aquifer pursuant to Subsection D(1) of 20.6.2.3109 NMAC. Three UIC wells will be installed via air-rotary, casing-hammer method. The wells to be installed are TAV-INJ1, TAV-INJ2, and TAV-INJ3. Groundwater will be extracted and mixed with substrate solution components consisting of nutrients, inert tracer elements which will be used as a performance monitoring measure, and microbiologic cultures, then gravity-fed into the UIC wells to facilitate in situ bioremediation. Each daily injection will be followed with approximately 100 gallons of chase water consisting of potable water (without amendments) deoxygenated by sparging with argon gas.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

The following conditions shall be complied with by the permittee and are enforceable by NMED. NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
3.	Prior to commencing injection activities, the permittee shall demonstrate the mechanical integrity of the distribution piping and injection wells associated with this Discharge Permit. Prior to testing, the permittee shall propose for NMED approval the test method to be used. The results of the mechanical integrity testing shall be submitted to NMED within 30 days of test completion and prior to injection. The permittee shall demonstrate mechanical integrity of the distribution piping and injection wells associated with this Discharge Permit at least once every five years. If an injection well is reconfigured, the permittee must conduct a mechanical integrity test prior to re-injection of treated effluent into the subsurface at that well. [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC, Subsection B of 20.6.2.5204 NMAC]
4.	The Permittee is authorized to install and operate not more than three (3) Class V UIC wells. Initial discharge (Phase 1) shall be to TAV-INJ 1 for an estimated four-month duration pilot test. Phase 2 is proposed to include the addition of UIC wells TAV-INJ 2 and TAV-INJ 3 for full scale implementation of the treatment system. [20.6.2.3109.C NMAC, 20.7.10.100 NMAC]
5.	Prior to the first discharge from the system to any of the injection wells, the permittee

#	Terms and Conditions
	shall submit written notification to NMED stating the date that the discharge is to commence. [20.6.2.3107.A NMAC]
6.	The Permittee shall ensure that the injection treatment facility is secured to control access by the general public. [20.6.2.3109.B-C NMAC, NMSA 1978, §74-6-5.]
7.	The Permittee shall maintain signs in English and Spanish (unless otherwise prohibited by policy) at appropriate locations indicating that the effluent may not be potable. Signs shall be posted at the UIC wellheads, at any associated storage vessels, and at any other area where there is potential for persons to contact associated materials or equipment. [20.6.2.3109 NMAC.B-C, NMSA 1978, § 74-6-5.D]
8.	The Permittee shall ensure that the Class V UIC wells include monitoring devices, i.e., water level and pressure head transducers, to prevent overfilling of the well. [20.6.2.3107, 20.6.2.3109.C(3)(c)(i)]

B. MONITORING AND REPORTING

#	Terms and Conditions
9.	The permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
10.	METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents. a) American Public Health Association, <i>Standard Methods for the Examination of Water and Wastewater</i> (18th, 19th or current); b) U.S. Environmental Protection Agency, <i>Methods for Chemical Analysis of Water and Waste</i> ; c) U.S. Geological Survey, <i>Techniques for Water Resource Investigations of the U.S. Geological Survey</i> ; d) American Society for Testing and Materials, <i>Annual Book of ASTM Standards, Part 31. Water</i> ; e) U.S. Geological Survey, et al., <i>National Handbook of Recommended Methods for Water Data Acquisition</i> ; f) Federal Register, latest methods published for monitoring pursuant to Resource

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	<p>Conservation and Recovery Act regulations; and</p> <p>a) American Society of Agronomy, <i>Chemical Methods: Methods of Soil Analysis; Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3.</i></p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
11.	<p>The permittee shall submit quarterly monitoring reports to NMED for the most recently completed quarterly period by the 1st of February, May, August, and November each year. The quarterly reports shall document the influent and discharge volumes from the treatment systems, quarterly groundwater and treated effluent sampling results, and any operations/maintenance activities performed for the prior quarter.</p> <p>Quarterly monitoring shall be performed during the following periods and submitted as follows:</p> <ul style="list-style-type: none"> • January 1st through March 31st (first quarter) – due by May 1st; • April 1st through June 30th (second quarter) – due by August 1st; • July 1st through September 30th (third quarter) – due by November 1st; and • October 1st through December 31st (fourth quarter) – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
12.	<p>Quarterly reports shall include the following general information:</p> <ol style="list-style-type: none"> a) any periodic test of mechanical integrity conducted; b) any replacement of primary or secondary vessels or associated treatment system infrastructure with an accompanying narrative explanation of the reasons for the decision to replace the vessels; c) any well work-overs conducted; and d) any additional operational changes with the potential to markedly affect the discharge. <p>[20.6.2.3107 NMAC]</p>
13.	<p>Quarterly reports shall include the following system performance information:</p> <ol style="list-style-type: none"> a) monthly average, maximum, and minimum values for flow rate and volume of treated effluent transferred to each injection well; b) the totalized monthly volume of treated effluent transferred to each injection well; c) monthly average, maximum, and minimum values of injection water level (pressure head) above static level for each injection well; and d) the volume pumped from each extraction well. <p>Each UIC well shall have a dedicated flow meter. Flow meters shall be inspected and calibrated in accordance with the associated manufacturer's recommendations.</p>

#	Terms and Conditions
	[20.6.2.3107 NMAC]
14.	<p>The permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements obtained from the groundwater monitoring wells required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but in no case shall the interval be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
15.	<p>NMED shall have the option to perform downhole inspections of all monitoring and UIC wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>All confirmation analysis will be conducted by an independent environmental laboratory that is certified under the National Environmental Laboratory Accreditation Program (NELAP).</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
16.	<p>Groundwater samples will be collected from each new injection well and associated monitoring well prior to discharge, and analyzed for the constituents listed below to establish baseline conditions prior to substrate injection.</p> <ul style="list-style-type: none"> • Alkalinity (total, bicarbonate and carbonate)

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	<ul style="list-style-type: none"> • Ammonia (as nitrogen) • Anions (bromide, chloride, fluoride, nitrite and sulfate) • Dehalococoides • Dissolved metals (arsenic, calcium, iron, magnesium, manganese, potassium, sodium) • Methane/ethane • Nitrate plus nitrite • Orthophosphate (as P) • Total organic carbon • Sulfide • Volatile Organic Compounds <p>Field parameters pH, specific conductivity, temperature, turbidity, dissolved oxygen, and ORP will also be collected.</p> <p>[20.6.2.3107 NMAC]</p>
17.	<p>The Permittee shall monitor the groundwater wells TAV-MW6, TAV-MW7, TAV-MW-10, and LWDS-MW-1 quarterly to determine any change to aquifer chemistry and aquifer flow direction that may be the result of injection.</p> <p>This quarterly monitoring shall include analysis for the following analytes:</p> <ul style="list-style-type: none"> • TCE • Nitrate • Arsenic • Iron • Manganese • cis-1,2-DCE • Vinyl Chloride • Ethene <p>Annual sampling will include general chemistry, radiological screening parameters, and total metals as proposed by the Permittee to supplement waste characterization requirements and as required under the Consent Order.</p> <p>If the chemical quality of the treated groundwater being injected changes over time, NMED may require the Permittee to conduct geochemical modeling to predict the interaction between the injection fluid and receiving groundwater. Results of all geochemical modeling shall be provided to NMED and shall include predictions on any changes to aquifer porosity and hydraulic conductivity that may result from mineral precipitation or dissolution.</p>

#	Terms and Conditions
	[20.6.2.3107 NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
18.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit that is attributable to this discharge, the permittee shall enact the following contingency plan.</p> <p>Within 60 days of the subsequent sample analysis date, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.</p> <p>The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmed groundwater contamination.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
19.	<p>In the event that a release (“spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within 24 hours following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <p>a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.</p>

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	<p>b) The name and address of the facility.</p> <p>c) The date, time, location, and duration of the unauthorized discharge.</p> <p>d) The source and cause of unauthorized discharge.</p> <p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within one week following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within 15 days following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
20.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

#	Terms and Conditions
21.	<p>Upon cessation of the activity pursuant to the discharge permit, the Permittee shall perform the following closure measures for this Discharge Permit:</p> <ol style="list-style-type: none"> Cap, plug, or remove all lines to prevent the discharge to all UIC wells; Abandon UIC wells in accordance with State of New Mexico Oil Conservation Division guidelines as described in the <i>Oil Conservation Division Underground Injection Control Program Manual</i>, February 26, 2004 and/or change well classification; Appropriately dispose of liquids, solids, and treatment media; and Submit a request to NMED to terminate this Discharge Permit. <p>Upon cessation of the closure measures, the Permittee shall perform the following post-closure measures:</p> <ol style="list-style-type: none"> Continue groundwater monitoring for at least two years, or as appropriate and in concurrence with NMED; Enact contingency plans if groundwater standards are exceeded, including any abatement required by NMED pursuant to actions related to this discharge permit; and Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring wells in accordance with Groundwater Quality Bureau 2011 and 20.6.2.5005 NMAC, and/or change the well's classification. <p>When all post-closure requirements have been met, the Permittee may request to terminate the discharge permit.</p> <p>[20.6.2.3107 (A)11 NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
21.	<p>RECORD KEEPING - The permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> information and data used to complete the application for this Discharge Permit; any releases ("spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; the operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater; facility record drawings (plans and specifications) showing the actual construction of the facility and bearing the seal and signature of a licensed New Mexico professional engineer; copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;

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	<ul style="list-style-type: none"> • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well logs) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location, and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample; ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection, or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
22.	<p>INSPECTION and ENTRY - The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling, or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection</p>

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	<p>and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
23.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
24.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
25.	<p>PLANS and SPECIFICATIONS - In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
26.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each</p>

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	<p>violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
27.	<p>CRIMINAL PENALTIES - No person shall:</p> <ul style="list-style-type: none"> • make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or required to be maintained under the WQA; • falsify, tamper with, or render inaccurate any monitoring device, method, or record required to be maintained under the WQA; or • fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
28.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits, or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
29.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of</p>

#	Terms and Conditions
	<p>the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
30.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ul style="list-style-type: none">• notify the proposed transferee in writing of the existence of this Discharge Permit;• include a copy of this Discharge Permit with the notice; and• deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
31.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

MICHELLE HUNTER
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